IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3972 OF 2005

Dahisar Distilleries Pvt. Ltd., ..Petitioners

Versus

The Commissioner, State Excise
& Anr. ..Respondents

Smt.Veena B.Thadhani with Mr.Vishal B.Thadhani for the petitioners.

Mr.P.I.Khemani AGP for Respondent No.2.

Coram : F.I.Rebello,J

Date : 17.10.2005.

PC

1. It appears that the Commissioner for State Excise had issued a Circular dated 25.2.1999 banning use of colours/flavours for manufacture of country liquor. That Circular was withdrawn. Thereafter another Circular came to be issued on 22.7.2003. The petitioners being aggrieved, preferred an appeal to the Minister of State Excise. That appeal came to be allowed by order dated 24.8.2004. As the order was not being implemented the petitioners here-in filed Writ petition No.3590/2005. By the order dated 19.5.2005 the respondents were directed by way of interim relief, not to prevent the petitioners from using any permitted colours and flavours in a liquor manufactured by the petitioners

under license. That petition is pending. The grievance of the petitioners is that inspite of the interim order of this Court, they have now received another communication dated 20.4.2005 with reference to the petitioners' application dated 30.9.2003 intimating that the Government has rejected the request to grant permission for manufacture of coloured country liquor and sale the same by lifting the ban imposed by the Commissioner State Excise on manufacture and sale of coloured country liquor.

2. As rightly pointed out on behalf of the petitioners the rejection of the application was the subject matter of the appeal before the appellate authority who has allowed the appeal. As respondents failed to permit the petitioners, the petition was filed. Interim relief was granted in favour of the petitioners. Considering that prima facie, it was not open for the respondents to issue a notice dated 20.4.2005. However, in my opinion, as Writ petition No.3590/2005 is pending before this Court, it would be appropriate for the petitioners here-in, considering that the interim relief in their favour, to take appropriate steps in law which were entitled to.

. With the above observation, petition stands disposed of.

(F.I.Rebello,J)